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rejected under 35 U.S.C. 112, second paragraph, due to terminology differences between "a sheet" and "a layer" of colored material. The only amendments made to the claims were to renumber the claims and to address the 35 U.S.C. 112, second paragraph, rejections. No substantive amendments were made to any of the claims in response to the prior art rejections, thus there has been no amendment made by applicant that would necessitate the new ground of rejection.

Further, the issues between examiner and applicant have not been fully developed such that a final rejection is proper.

Before final rejection is in order a clear issue should be developed between the examiner and applicant. To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection. Switching from one subject matter to another in the claims presented by the applicant in successive amendments, or from one set of references to another by the examiner in rejecting successive actions claims of essentially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the application or a final rejection. See MPEP 706.07.

First, because claims 18-30 were not previously rejected under any type of prior art, the examiner did not fully apply the references to the claims. Second, because claims 18-30 were not previously rejected under any type of prior art, applicant was not afforded the opportunity to amend the claims in response to a prior art rejection. Third, no substantive amendments were made to the claims, thus applicant did not switch from one subject matter to another in the claims. Finally, the examiner did not even apply the same prior art rejection to the claims that was used in the previous office action. Thus, the examiner switched from one set of references

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to another set of references in successive actions for claims that were essentially the same subject matter. Any one of these occurrences defeats the goal of reaching a clearly defined issue for early termination, however, the combination of all of these occurrences clearly indicates that the issuance of the final rejection was premature. Applicant asserts that the issuance of a Final Action was premature and respectfully requests that it be withdrawn.

Even if the final rejection is deemed proper, the claims are still allowable over the examiner's new rejections. Claims 16-19, 21, and 23 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 5582789 to Stein et al. (Stein). In order to anticipate a claim under 35 U.S.C. 102(b), the reference must show each and every feature of the claim. Claim 16 is a method claim directed to the formation of a trailer panel for attachment to a vehicle trailer, and which includes the steps of: (a) placing a layer of colored material in a mold; (b) placing a layer of polymeric material in the mold; (c) integrally molding the layer of colored material and the layer of polymeric material as one piece to form a generally flat trailer panel; and (d) mounting the trailer panel to a trailer superstructure frame. Stein does not disclose each of these features.

Stein is directed toward the formation of an interior trim panel for a vehicle door. Vehicle doors are very different than trailer panels. Vehicle door panels are very small in size compared to trailer panels and involve more complex design constraints. For example, door panels must include an aesthetically pleasing interior appearance in addition to supporting door handle components, door locking mechanisms, window lifter mechanisms, for example. None of these concerns are relevant to trailer panels.

The examiner argues that Stein discloses placing a layer of colored material 30 and a layer of polymeric material 20 in the mold to form a generally flat vehicle panel. The examiner

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further argues that Stein's panel would inherently be mounted into a trailer superstructure. Applicant traverses this characterization of Stein. There is no teaching anywhere in Stein of the formation of a generally flat trailer panel as claimed by Applicant. Further, there is no teaching of mounting the trailer panel to a trailer superstructure frame as claimed by Applicant.

Claim 17 includes the step of the step of placing an inner layer into the mold prior to step (b) to form an inner surface of the trailer panel. The examiner argues that Stein discloses placing an inner layer 10 into the mold to form the inner surface of the trailer panel. As shown in Figure 2, insert 30 is clearly overlaid on top of a portion of layer 10. This contradicts the examiner argument that the layer of colored material 30 forms the outer layer because 10 and 30 are both positioned on the same side of the panel. Stein does not teach placing an inner layer into the mold to form the inner surface of the trailer panel as claimed by Applicant in claim 17.

Claim 18 includes the feature that the formation of the layer of colored material in step (a) includes placing a sheet of colored material into the mold to form an outer layer presenting an outer surface of the trailer panel. The examiner argues that the layer of colored material is insert 30, however, this insert 30 forms an interior trim panel of a vehicle door, clearly shown in Figure 1, and thus does not form an outer layer that presents an outer surface of a trailer panel as claimed by Applicant.

Claim 19 includes the feature that the outer layer comprises a paintless polymer film. Nowhere in Stein is the feature taught. The insert 30 is made from cloth or vinyl and has foam backing.

Claims 20 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stein alone. For the reasons discussed above with regard to claims 16-18, Stein does not disclose the

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features as claimed by Applicant. Further, claim 20 includes the feature of the outer layer comprising a prepainted aluminum. The insert 30, which examiner argues forms the outer layer of colored material, is made from cloth or vinyl and has foam backing. Further, the insert 30 defines an inner surface of the door panel not an outer surface of a trailer panel as claimed by Applicant. Finally, the insert 30 in Stein would not be formed from a metal, such as aluminum, because insert 30 is an interior trim panel for a vehicle and these types of panels are not made from metals. Thus, there is no suggestion or motivation to modify Stein to include an outer layer of prepainted aluminum.

Claim 22 includes the feature of the inner layer comprising a metallic material. The examiner argues that it would be obvious to make the inner layer 10 of Stein from a metallic material. Inner layer 10 in Stein is an interior trim panel that is made from a vinyl skin. This type of interior trim panel would never be formed from a metallic material. Thus, there is no motivation or suggestion to make the modification.

Claims 24, 25, 29, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of US 5824251 to Morrison et al. (Morrison). For the reasons discussed above with regard to claims 16-18, Stein does not disclose the features as claimed by Applicant. Further, claim 24 includes the step of injecting a layer of insulation into the mold. The examiner argues that col. 4, lines 5-8 of Morrison teach this feature. This section simply refers to an injection of less dense foam backing for an interior trim panel. There is no teaching of injecting insulation into the mold as claimed by Applicant. Further, Stein already has a foam backing for the trim panel and Morrison is teaching replacement of one foam with a less dense foam, and does not teach injecting insulation in addition to the foam.

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Claim 25 includes the step of injecting a structural support layer into the mold for forming at least one rib. The examiner argues that col. 4, lines 9-20 of Morrison teach this feature. This section teaches the use of plastic beads that are subjected to heat to mold the substrate where the substrate may include integral parts such as a molded bracket 46 or boss 47. Please note that the teachings of Morrison as argued by examiner are difficult to understand because neither bracket 46 nor boss 47 are shown in the drawings. Further, none of these structures in Morrison is a rib. Thus, there is no teaching of the formation of a rib as claimed by Applicant.

Claims 29 and 30 include the steps of forming electrical wiring conduits and electrical outlets in a trailer panel, respectively. Neither reference teaches these features. Both Stein and Morrison are directed toward formation of interior trim panel inserts for vehicle doors. Neither reference has any teachings that are relevant to the formation of trailer panels. Further, neither reference teaches formation of wiring conduits and electrical outlets in trailer panels as claimed by Applicant.

Claims 26-28 and 31-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of US 5403062 to Sjostedt et al. (Sjostedt). Claims 26-28 include method steps for different ways to mount the trailer panel to the trailer superstructure frame. The examiner seeks to modify the attachment of the vehicle door panel taught by Stein to include the trailer panel mounting methods as taught by Sjostedt. Each method of attachment in Sjostedt results in a permanent attachment of the panel to the superstructure. The attachment methods are not selectively actuated to move the panels between open and closed positions. The only acceptable attachment of a vehicle door to a vehicle frame requires a pivoting or sliding attachment so that

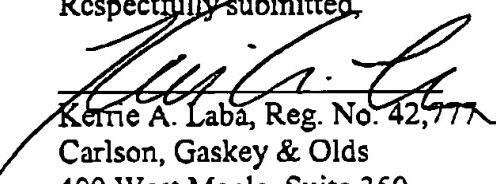
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the door can be opened and closed to provide access to the passenger compartment. Thus, there is no motivation or suggestion to modify Stein with Sjostedt. Further, the types of attachment shown in Sjostedt would render the vehicle door of Stein inoperable as the door would not be able to be selectively opened.

Claim 31 is a method claim directed toward the production of panels to form a vehicle trailer and includes the steps of: (a) placing a layer of colored material in a mold; (b) placing a layer of polymeric material in the mold; (c) integrally molding the layer of colored material and the layer of polymeric material as one piece to form a generally flat trailer panel; (d) repeating steps (a) – (c) to form multiple trailer panels; and (e) mounting a plurality of trailer panels to a trailer superstructure frame to form a vehicle trailer. For the reasons discussed above with regard to claim 16, Stein does not disclose any type of method for making trailer panels. Further, for the reasons discussed above with regard to claims 26-28, there is no motivation or suggestion to modify Stein with Sjostedt.

Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees.

Respectfully submitted,

  
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 305-3580, on April 10, 2003

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Laura Combs

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